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BEFORE THE ARIZONA CORPORATION COMMISSION

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2009 JAN -7 P 3: 02

Arizona Corporation Commission

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JAN -7 2009

KRISTIN K. MAYES, Chairman
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 BOB STUMP

AZ CORP COMMISSION
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MM

In the matter of:

ROBERT PRESTON INGRAM and JANE
 DOE INGRAM, husband and wife,

Respondents.

DOCKET NO. S-20604A-08-0371

**SECURITIES DIVISION'S MOTION
 TO ALLOW TELEPHONIC
 TESTIMONY**

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") moves for leave to present the telephonic testimony of Division witnesses Don DeFelice and Nicole Bermudez during the hearing to begin on January 27.

Commission Rules of Practice and Procedure provide for the relaxation of the rules of evidence, and informality in the taking of testimony. *See*, A.A.C. R14-3-101(B); A.A.C. R14-3-109(K). Arizona law further provides for the fair, speedy and cost effective resolution of administrative matters. *See e.g.*, A.R.S. § 41-1062(A)(1) ("Neither the manner of conducting the hearing nor the failure to adhere to the rules of evidence required in judicial proceedings shall be grounds for reversing any administrative decision or order providing the evidence supporting such decision or order is substantial, reliable and probative.").

Mr. DeFelice resides in Alpharetta, Georgia. Ms. Bermudez resides in Flowery Branch, Georgia. They will offer relevant testimony supporting the Division's allegations. Their testimony is anticipated to be neither complex nor lengthy. They will be asked questions regarding approximately 3, relatively small Division exhibits. Under the circumstances, the cost of providing transportation and lodging for both witnesses to make personal appearances in Phoenix is impractical and unnecessary. Telephonic testimony is common, efficient and provides

1 the parties full and fair opportunity for questioning, whether by direct or cross-examination.

2 Based on the foregoing, the Division respectfully requests that its motion for leave to
3 present telephonic testimony be granted.

4 RESPECTFULLY SUBMITTED this 7th day of January, 2009.

5 ARIZONA CORPORATION COMMISSION

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7
8 By _____

Mike Dailey

Attorney for the Securities Division of the
Arizona Corporation Commission

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10 ORIGINAL AND THIRTEEN (13) COPIES of the foregoing
11 filed this 7th day of January, 2009 with:

12 Docket Control
13 Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

14 COPY of the foregoing hand-delivered this
15 7th day of January, 2009 to:

16 Mr. Marc E. Stern
17 Administrative Law Judge
1200 W. Washington St.
Phoenix, AZ 85007

18 COPY of the foregoing mailed this
19 7th day of January, 2009 to:

20 Robert Preston Ingram
21 4040 East Mitchell Drive
Phoenix, Arizona 85018
22 Respondent

23 Cruzita Ingram
24 4040 East Mitchell Drive
Phoenix, Arizona 85018
Respondent

25
26 By: _____